

## Maine Natural Resources Conservation Program

### Review Committee Meeting

Date: December 2, 2009

Time: 9:00 am – 2:00 pm

<b>Chair:</b>	Jim Cassida, DEP	<b>Facilitator:</b>	Alex Mas, TNC	<b>Minutes</b>	Kathy Jensen, TNC
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**NEXT MEETINGS:** Approval Committee: January 4, 2010

<b>Participants:</b>	Present: Review Committee: James Cassida, DEP; Jay Clement, ACE; Molly Docherty, MNAP; Norm Dube, DMR; Mark Lickus, DOT; Bob Shafto, MEACC Steve Timpano, IFW TNC Staff: Alex Mas; Bruce Kidman; Kathy Jensen Other Attendees: Mark Kern, EPA; Kristen Chamberlain, MDOT Review Committee Members Not Present: Liz Hertz, SPO; Sally Stockwell, Maine Audubon
<b>Agenda</b>	9:00 – 9:10 Welcome / Introductions 9:10 – 9:30 Overview of Process 9:30 – 12:30 Review Full Proposals 12:30 – 1:00 Lunch 1:00 – 2:00 Discussion of Funding Recommendations

### Agenda – Minutes

#### Overview of Process

- Evaluation of the proposals was based on the criteria set out in the RFP: Potential to meet MNRCP goals; Landscape Context; Project Readiness/Feasibility; Project Sponsor Capacity; Cost Effectiveness; and Other Benefits. Since these funds are designed to provide mitigation for impacts to wetlands and significant habitats, the Review Committee gives higher scores to projects that provide restoration and enhancement of those resources. Projects of statewide significance are also given higher scores, followed by regional significance, then local, etc.
- Funding recommendations were based a project meeting a minimum threshold, project rank, and providing sufficient funding for the project to be successful. Thirty-three applicants and members of the public attended.
- If a project is awarded funds and it is not achieved, the funds could lapse. The timeframe is being worked out by the Review Committee. It is acknowledged that restoration projects will take longer to accomplish than straight preservation.
- All funds are not required to be spent in each round of proposals. If funds sit in a biophysical region for two or more years without enough suitable projects, the funds can be moved to a different biophysical region for projects of statewide priority.
- Since this is the first round of proposals for this new program, feedback is welcome on the process.
- The Approval Committee is scheduled to meet on January 4, 2010 to give final approval to project selections and funding recommendations.

#### Review of Full Proposals

Projects were reviewed based on biophysical region. Applicants were not asked to each give a presentation on their project but were asked to answer any remaining questions the Review Committee had.

#### Biophysical Region 3 - Casco Bay Coast.

- Maquoit Bay – Laskey: Project Representative Betsy Ham, Maine Coast Heritage Trust (MCHT):  
*Would partial funding still allow the project to move forward?* The project would have a \$40,000 deficit, even if the \$100,000 request were awarded but they are working on private funding and are extremely likely to raise the funds. The property owner is anxious to close this year so MCHT will probably put up some funding and continue to raise funds to refund.  
*The \$6,000 for stewardship seems low; is there a formula that MCHT uses?* MCHT has an \$11 million stewardship fund which they maintain by adding funds for each project. This project is not complex in terms of stewardship so they used a lower number.

Brookings Bay, Project Representative Jim Connolly, Maine Department of Inland Fisheries and Wildlife (MDIFW) *Would partial funding allow still allow the project to go forward?* MDIFW worked with the Kennebec Estuary Land Trust to put the project forward. There is a lot of momentum to make the project happen. It has taken 9 years of negotiations with fragmented family ownership. The matriarch of the family is 90 years old and her health is failing so they had to act. This project is a prominent, keystone parcel for the area. It has a large amount of coastline, coastal wetlands and Tidal Waterfowl and Wading Bird Habitat. There are a number of large parcels in this area and having this one go into conservation gives momentum for the other owners to consider conservation. There are also other conserved properties in the vicinity.

- Montsweag Brook: Project Representative Dan Creek, Chewonki Foundation

*Will fish species be able to pass up after the dam is gone?* There is a ledge with steep falls below Route 1 that could be an impediment but they are able to pass at high tide and there is direct evidence that herring are now getting up to the toe of the dam (perhaps a couple dozen). The stream was prolific in the past. American eel are also prevalent. *This is a large, complicated project with a number of funding sources. What would the MNRCP funds be spent on?* NRCS funds include the purchase of the easement and approximately \$190,000 for dam removal. They will submit more grant proposals to NOAA and private foundations. They will still have a fairly large gap but are confident they will raise the funds. NRCS funds are allocated for 2010. They plan to take the dam out in the summer of 2010. They have started the design and permitting processes.

*If the dam is removed, what type of habitat will be restored of what quality for what species?* Removing the impoundment will make a difference. It is currently low in dissolved oxygen and the temperature is high. There are also exotic fish in the impoundment. There is a diversity of habitat upstream which may represent what is under the impoundment; pool, riffle, run. A landowner upstream says he has brook trout. Eel will be helped by the removal. There is a hope that the upper dam will also be handed over to Chewonki, which would help restore the whole watershed. This is a multi-year project.

- Pisgah Hill: Royal River Conservation Trust. Representative in attendance. Review Committee had no questions.
- Williams: Harpswell Heritage Land Trust. Representative in attendance. Review Committee had no questions.
- Ocean Point: Boothbay Regional Land Trust. Representative in attendance. Review Committee had no questions.

#### **Biophysical Region 4 – Central Maine Embayment**

- Blackman Stream: Project Representative Andy Goode, Atlantic Salmon Federation

A comment was made previously by the Review Committee that this project represents a good way to capture federal and state priorities, especially regarding Atlantic Salmon restoration

*Can you describe this project further?* This project would be like a “mini-Damariscotta Mills.” They have cut pools into the ledge to provide fish passage and still keep within the historic character of the site.

*Is there enough match for the federal funds?* NOAA said mitigation funds cannot be used for match so they will use other match they have, such as from in-kind services. They have enough other match.

- Whitten Hill: Project Representative Buck O’Herin Sheepscot Wellspring Land Alliance

*Will there be active forest management on this site?* It will be Forever Wild so there will be no active forestry.

*Have any vernal pools been identified?* No vernal pools identified. 2600 feet (±1300 on each side) of river frontage with intermittent feeder streams coming in.

- Argyle wetlands: Project Representative Allen Starr, MDIFW

*What are the plans for the forested habitat outside of the wetland resources?* Would do some forest management in the Deer Wintering area but that is all.

*Can you elaborate more on restoration?* Along the road there are crushed culverts and beaver impacts which are stopping the flow of water and causing timber die-off. There is a cabin beyond this area so the road has to be maintained so they would repair the culverts and work to prevent erosion and sedimentation to the tributary streams that flow to Birch Stream and stop the timber die-off. They generally would let the trees in the die-off area come back by natural succession but they could plant softwoods in the future if need be.

Are there any vernal pools? Has not been surveyed for vernal pools.

- Howell Family Trust wetlands project

The committee did not have any questions on this project but felt it needed to be further developed and either submitted in concert with or submitted by a conservation entity, such as the Damariscotta Lake Watershed Assoc.

## **Biophysical Region 7 – Gulf of Maine Coastal Lowlands**

- Benjamin Farm: Project Representatives Scott Lindsay and John Pratte, MDIFW

*Can you elaborate on how this project relates to other conserved areas?* This site is within a corridor that stretches from Scarborough Wildlife Management Area (WMA) up the Libby River. Scarborough Land Trust owns some property to the south and further up from the site is Rachel Carson National Wildlife Refuge and some town-owned lands. There is confirmed New England Cottontail on the site with potential for restoration of more habitat and this site is one of 18 Focus Areas for NE Cottontail. It meets all the criteria for MDIFW's goals for NE Cottontail.

*Is the listed value for this property realistic?* They are awaiting the final appraisal and will be guided by that value. Wolfe Tone from the Trust for Public Land (TPL) spoke about the appraisal. TPL is a partner. The owner has a pretty aggressive expectation on the value but they are under contract this time. They have been trying since the 1990s to purchase this site.

*How much restoration is planned?* There is a ditched emergent wetland and the ditch will be plugged. There are 15 acres of shrub-scrub wetland with the right soil types for restoration. It will regenerate on its own once mowing is stopped but they are in discussions about using vegetation plugs to hasten it along. 65 acres of old field habitat and most will no longer be mowed and let to revert. Rachel Carson NWR will be involved in the restoration.

- Gervais property phragmites restoration: Project Representative Scott Lindsay, MDIFW

*What is the source of the phragmites?* MDIFW has been researching that. It is possible that it came in from seed dispersal or rhizomes. They expect that most came from rhizomes. Road work and construction in the area, which likely does spread the rhizomes. The area has been farmed over the years.

*Can it be completely eradicated?* They have found that it will require management and spot treatments after a big removal project. They have a group of stakeholders that meet quarterly. The group includes organizations such as Friends of Scarborough Marsh, Natural Resources Conservation Service (NRCS), US Fish and Wildlife Gulf of Maine Program. These organizations have a lot of expertise and they put together funding to maintain the marsh. They also have 2 contractors with specialized equipment and know-how for working on the marsh.

*What kind of vegetation is expected to come in after removal of the phragmites? Will they do most of the removal by herbicide or excavation?* Each site is different. High marsh areas are conducive to phragmites. They may do some excavation to get back down to marsh level, but still want to maintain some high marsh. In the field area they expect grasses to come back after removal of phragmites. Native plants have been demonstrated to come back to cleared sites by natural succession. Generally they don't do planting. It is very labor-intensive and not very cost-effective. Within 1-2 years there is noticeable regeneration. By 5 years it can be hard to see there was a disturbance.

*Will there be additional erosion during the time the site is unvegetated?* Generally the peat is so dense it is very resistant to erosion. Some problems can occur where there is wave action but that is not an issue here.

- Mount Agamenticus wetlands: Project Representative Tin Smith, Great Works Regional Land Trust (GWRLT)

*The project has an ambitious closing and fundraising schedule. Is this realistic?* GWRLT thinks it is conservative. The owner doing the bargain sale wants to close by January. The other parcel can close when ready. They think they gave themselves extra time to complete both transactions.

*Are there vernal pools?* There are vernal pools on the 40-acre parcel [Parent]; none on the 12-acre parcel [Fortenbaugh].

*What is the status of the town parcels?* The town has the abutting parcels dedicated toward conservation. GWRLT has been talking to the town to make conservation permanent. The town Conservation Commission has recommended donating the parcels to GWRLT. GWRLT supports the donation.

*Are there plans for forest management?* They haven't discussed forestry but they usually do some forest management to cover property taxes. They have 46 properties and have only done forestry on one. Not sure if the town will do forest management on its parcels. The town currently has a community forest which they have not cut. If forest management were restricted, GWRLT could accommodate that. Recreational uses planned are recreational trails. The 12-acre parcel will provide an access point to a large contiguous conserved area of about 6,000 acres. The 40-acre parcel has rare dragonflies. They are flexible and could accommodate restrictions on use.

- Falmouth Conservation Corridor: Project Representative Bob Shafto, Town of Falmouth [recused from Review Committee discussion]

The town will place a conservation easement on land it owns and will purchase a conservation easement on private land.

- High Pine: Project Representative Fred DiBello, Stantec Consulting

*Why are deed restrictions proposed rather than a conservation easement?* The landowner owns several hundred acres. He has been putting deed restrictions on other parcels for private mitigation. Eventually, he will give all the land to the town. He wants to convey them all in one large block. The Wells Conservation Commission is very supportive of the project, especially regarding the parcel that abuts their Fenderson Wildlife Commons.

*What is the point where he'll do the transfer?* He wants to do it in one transaction, although he might be persuaded to do transfer sooner. [Note: the landowner's contact, Fred DiBello contacted The Nature Conservancy after the meeting and said that he had misspoken about the property transfer. The landowner intends to convey the current proposed 61-acre parcel to the Town immediately, and intends to retain ownership of the other conservation parcels on the other side of the road (which are not included in this proposal) for the time being and transfer those to the Town at a later date.] The initial proposal had two parcels in Phase I but the landowner changed it to include just this one by the Fenderson Wildlife Commons to lower the cost. There were also plans to create vernal pools but these were taken out because of concerns by Review Committee about the viability of created vernal pools; although Stantec says they have done vernal pool creation with success. The parcel which is now Phase 1 would not be as well-suited for vernal pool creation.

*How was the cost of the project determined?* It seems high. The applicant wants \$300,000 -- \$217,000 for what he has in the land plus the balance in profit for the landowner. The applicant is getting an appraisal now.

*If the appraisal came in significantly lower than his asking price would he still want to go forward?* Maybe, but he might wait.

*What assurances are there that this property would end up with the town?* No agreement with the town at this point but landowner would be willing to do that.

### **Biophysical Region 15 – Penobscot Bay Coast**

- Branch Lake: Project Representative Wolfe Tone, Trust for Public Land (TPL)

*Where does the project stand in terms of funding?* The total cost is \$2,600,000 and \$2,140,000 is committed. They have LMF funds and the City of Ellsworth has committed a substantial amount. The lake is a municipal priority for drinking water. There is a \$460,000 funding gap. All the partners are engaged to raise the final funds. They're soliciting private contributions, foundations, other grants.

*Is this an all-or-nothing proposal?* They need to have all the funds to finish. They have overcome many challenges to reach this point. The family has been patient but they are reaching their limit. The partners have investigated breaking the project into 2 parts but the combination of fee and easement has complicated the deal. The town will own fee by the drinking water intakes. The rest will be conservation easement.

*What are the plans for forest management?* The conservation easement is a working forest easement. The family has been managing the forest responsibly for many years. TPL is trying to match up the Forest Society easement language with what LMF requires for resource protection. There are not necessarily specific buffers outlined. No cutting is done along the lake. There is a portion of the property that already has a conservation easement on it. This is on 89 acres around the Moore's Brook wetland system, which accounts for 2/3 of the wetland system. There is a very minimal forest management regime allowed here with specific buffers.

*Would they be willing to follow the Plum Creek easement guidelines, which provide for protection of resources?* This is unknown right now.

*Are there restoration opportunities on the site?* There are a couple culvert restoration possibilities along the older road. The new road was cut to allow access to the upper portion of the property. It was built to today's standards, but it does cross Moore's Brook. Both roads are necessary due to the split in ownership. LMF also made them provide public access and the roads provide access points.

- Clark Island: Project Representative Leonard Greenhalgh, Maine Coastal Habitat Foundation

*Can you explain how this restoration project fits into the big picture of habitat around the area?* The site is on a peninsula with salt marsh on one side and field on the other [Long Cove to the east and Wheeler Bay to the west with marine and estuarine wetlands and scattered freshwater wetlands on the peninsula]. Maine Coast Heritage Trust has been looking at this area. They get a lot of migratory birds due to the presence of freshwater in a salt water area.

*Can you tell the Review Committee more about the Maine Coastal Habitat Foundation (MCHF)?* MCHF is a private non-profit. The quarry property was purchased in 1986. Owned in fee simple by MCHF. Work on the site has largely been funded personally by Leonard Greenhalgh through MCHF.

*Can you further discuss the restoration activities?* The large granite tailings block the passage of water through the area. There are wetlands above and below the pile of granite. Some of the granite has gone back into the quarry hole. In this project, the contractor will take the blocks off-site to use for other construction projects such as road building.

*What is the rationale for pond-building?* The great weight of the granite has left a depression which will fill in with water. He built some islands in his first project and natural succession has regrown vegetation along the edges of the pond in that project.

*What is the timeline?* If they get the grant they will do it in the next calendar year; otherwise they will pick away at it and it may take 10 years.

*Could this removal be accomplished by waiting for the material to be needed for road-building or other projects?*

Current set up of project does not depend on need for material. Contractor will remove the material and keep it on his site. The cost of the removal includes the value of the material to the contractor. Currently they have been trying to do this by themselves which is very slow.

### **Biophysical Region 16 – Sebago-Ossipee Hills**

- Northwest River: Project Representative John Pratte, MDIFW

*Can you give a status update on this project and an idea of the level of urgency?* This landowner has several parcels in addition to this. He owned Mariner Pond which was the subject of the Letter of Intent, but sold that to a timber company. MNRCP would be the first grant toward this project and would help get additional funds committed. There is significant level of interest from the town. The landowner did an appraisal; MDIFW would need to follow up with their own. They haven't asked if the landowner would allow them to buy it in pieces. Landowner has not considered that at this point. MDIFW is meeting with the timber company which bought Mariner Pond to see if they might have an interest in an easement. The landowner would not want to do an easement.

*What are their management plans?* MDIFW has a lease on the flowage area until 2018. Water levels are managed for waterfowl. On this property, they would also do early successional cutting for woodcock and browse. They would look to increase the diversity of habitat for species present there.

*What are the plans for roads?* There are 12 miles of access roads. They won't need all that; could remove and restore some. They might potentially want to create new roads to access the Wildlife Management Area through this property. The existing access is problematic.

- Maloney, Morgan Meadow Wildlife Management Area (WMA): Project Representative Scott Lindsay, MDIFW  
*Can you describe the project further, particularly with regard to restoration potential?* This project is largely preservation with some potential for restoration along the road. The road is  $\frac{3}{4}$  mile and it extends into the current Morgan Meadow property up to a dam site at the open water meadows. It allows access to parts of the WMA that MDIFW does not have now. The road is largely abandoned and there are issues with water flowing over the road and erosion. There is not a direct drainage of streams under the road but they would put in culverts to allow water to drain. They would consider moving portions of the road that abut or intrude into wetland areas. Buster Carter from MDIFW added that these two parcels help buffer the ecological integrity of the existing WMA. They are a piece of the whole. Obtaining them will complete this WMA.

*Are there plans to do forestry management on this property?* MDIFW does forest management on many properties. They are doing management activities on the adjacent WMA now. They want to improve stand conditions. But many MDIFW properties are not harvested. Scott did not believe it would be deal breaker if they could not harvest here, but said he'd have to defer to supervisors. The resource would always take precedence. MDIFW is in the process of getting FSC-certified (Forest Stewardship Council).

*Are there vernal pools?* The property has not yet been surveyed for vernal pools. It is possible there are some due to soils and topography.

*What is the status of discussions with the landowner and possibility for funds from the Town of Gray?* The landowner took the property off the market after discussions with MDIFW. The Town of Gray has expressed interest in using funding from their land conservation bond; potentially \$10,000. This has received a tentative thumbs up.

- Watkins, Crooked River: Project Representative Lee Dassler, Western Foothills Land Trust

*What is the status of the roads; can any come out?* The landowner wants to keep the roads for forest management. There is potential for restoration along the roads. The key restoration site is in "Site A" where there is a stream crossing over Russell Brook with a very under-sized culvert. There are other potential restoration sites along that whole stretch of road.

*Does the conservation easement guarantee public access?* Yes, for non-motorized access. No ATVs; although snowmobiles might be allowed. The project would provide 1.2 miles of frontage on the river which would allow more access for fishermen, etc.

*If the project received partial funding could it still go forward?* Partial funding would be a good beginning. Western Foothills Land Trust is part of a consortium of organizations working along the Crooked River Watershed. They have also asked for NAWCA funds and there is a possibility of a bargain sale. They might also be able to break the project into smaller sections; e.g. go for aquatic resources first.

*Is there flexibility in the easement to allow for more restrictions around aquatic resources?* Yes, there is flexibility. In a 350-acre easement done north of this property they worked hard to protect tributaries. They are discussing getting to FSC standards with Integrated Forest Management. They will discuss this with the landowners to see if they can get agreement to that.

- Walnut Hill: Project Representatives Pat Smith, Three Rivers Land Trust and Marcel Polak, Conservation Resources Advisor with the Maine Association of Conservation Commissions

What is unique about this project is that the 2,000-acre Walnut Hill Focus Area straddles 2 towns and the towns, Three Rivers Land Trust and MDIFW have signed a letter of agreement. The conservation commissions in Shapleigh and Alfred are looking at how they can promote conservation in this unfragmented habitat. There is a small number of landowners in this Focus Area. It is still a large-unfragmented block, which is uncommon in this area of the state. *Can you discuss the capacity of the organization to complete this project?* There is a circuit rider program through Maine Coast Heritage Trust to help build capacity so they Southern Maine Project manager may get involved. Marcel Polak would work with the conservation commissions.

*What is the project readiness and feasibility?* Originally, the landowner wanted to subdivide and approached Three Rivers Land Trust to buy the back land, but he had IFW come out and was told that he'd be subject to the Natural Resources Protection Act and endangered species regulations so he decided to sell the whole thing. Selling is the best option for him at this point. He is expecting a certain value from the appraisal and can walk away if he doesn't get what he is looking for. But he does want to sell.

## **Funding Discussion**

TNC provided a compilation scoring sheet with median suggested funding amounts to the Review Committee. This was used as a point of departure for the discussion.

Some general topics relating to projects were discussed.

- Restoration projects are generally going to take more time to complete than preservation and that must be taken into account.
- Public access – it is not expressly stated that public access must be allowed, but some Review Committee members thought it should be.
- “Forever Wild” – The Review Committee wanted to start at the highest level of protection for the resources and negotiate from there on a case-by-case basis. Forest management may be allowed. If MDIFW (or others) becomes FSC-Certified, is this sufficient assurance of appropriate forest management?
- Funding allotments can be made with conditions such as obtaining any required permits, some level of plan for restoration activities (even if it starts with just a concept plan), and others on a case-by-case basis.

TNC will recirculate draft easement language. TNC would prefer to have close to the same language in all the easements to allow for more efficient tracking of the easements.

## **Biophysical Region 3 - Casco Bay Coast.**

\$120,500 of the funds in Biophysical Region 3 came from the Maine Yankee Settlement which has provisions for the funds to be spent in the Sheepscot Watershed. While the impacts generated from Maine Yankee were in Biophysical Region 3, the Sheepscot Watershed extends up into Biophysical Region 4 so funding could be spent there as well. The Review Committee decided to reserve out the settlement funds and allocate the remaining \$89,990 toward non-Sheepscot Watershed project funding requests in Biophysical Region 3.

Funding recommendations:

- \$75,000 of the Maine Yankee Funds allotted to the Montsweag Brook project
- \$50,000 to the Maquoit Bay project
- \$39,990 to the Brookings Bay project

**Biophysical Region 4 – Central Maine Embayment**

Funding recommendations:

- \$ 20,000 to Blackman Stream
- \$175,000 to Whitten Hill
- \$115,200 to Argyle wetlands

**Biophysical Region 7 – Gulf of Maine Coastal Lowlands**

Funding recommendations:

- \$250,000 to Benjamin Farm; conditions to include that at no time will any management activities for New England Cottontail adversely affect the wetlands
- \$ 6,342 to Gervais phragmites restoration; conditions to include a more detailed restoration plan
- \$ 66,300 to Mt. Agamenticus wetlands
- \$ 72,700 to Town of Falmouth Conservation Corridor

**Biophysical Region 15 – Penobscot Bay Coast**

There was some disagreement among committee members regarding funding for the Clark Island project. Some questioned the value of the resource which will be restored and felt it lacked regional context. But others noted that it is a restoration project and one of the focuses of the program is to restore degraded resources. The committee agreed to fund the project in part.

Funding recommendations

- \$100,000 to Branch Lake
- \$ 50,000 to Clark Island; conditions to include a good wetlands restoration plan

**Biophysical Region 16 – Sebago-Ossipee Hills**

- 125,000 to Northwest River; identify where they will manage for grouse and woodcock; and road details
- \$167,851 to Maloney/Morgan Meadows; provide more detail on road work, especially regarding moving road out of resource
- \$208,000 to Crooked River; must provide a forest management plan, provide details on culvert replacements, examine breaking out the wetlands and river frontage
- \$162,800 to Three Rivers Land Trust; contingent on appraisal

**Next Steps and Preparation for Approval Committee Meeting**

Approval Committee meeting is on January 4, 2010 at the Bolton Hill Facility. Commissioners of the state agencies are slated to attend. Commissioner Littell from DEP will contact them individually.

All Review Committee Members are welcome to attend as is the public. A podium will be available for applicants to come up and answer questions, as was done in the Review Committee meeting. It was suggested that Kristen Puryear of Maine Natural Areas Program attend to answer questions about the review she did for each project.

James Cassida from DEP will provide a general overview of the process so far. Alex Mas from TNC will present the Review Committee's recommendations.

The Approval Committee will be provided with access to all of the proposals, the synthesis of the score sheets, meeting minutes; the RFP packages, and the PowerPoint presentation used at the Review Committee meeting. It was suggested that one page summaries and a map showing the regional context may be helpful but it is probably not possible to do summaries for this round in the time frame available. Keep this in mind for the next round.

One more meeting of the Review Committee would be beneficial to discuss changes that might help in the next round.